

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RISHARD L.A. EDWARDS,

Plaintiff,

v.

CBM MANAGED SERVICES,

Defendant.

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No. 4:17-CV-2781 JMB

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for reconsideration of the partial dismissal in this matter, as well as a motion for Clerk's Entry of Default. As the Court has granted defendant's motion for extension of time to file an answer, plaintiff's motion for entry of default will be denied.

Plaintiff's motion for reconsideration of the partial dismissal will also be denied.¹ Plaintiff, a pretrial detainee at the St. Louis City Justice Center, filed this action pursuant to 42 U.S.C. § 1983 alleging that CBM has a policy and practice of failing to provide adequate nutrition to the inmates at the Justice Center. He sued CBM in both its individual and official capacity. The Court allowed plaintiff's official capacity claim to move forward, but it dismissed plaintiff's individual capacity claim, as plaintiff is unable to sue CBM in its individual capacity. Plaintiff has not provided any grounds for renewing his request to sue CBM in its individual

¹To the extent plaintiff would like to appeal the Memorandum and Order and Order of Partial Dismissal [Doc. #4 and #5] entered on November 29, 2017, the Court feels obligated to inform plaintiff that these orders are not final, appealable orders. *See Borntrager v. Central States, Southeast & Southwest Areas Pension Fund*, 425 F.3d 1087, 1091 (8th Cir. 2005) (final judgment is one that ends the litigation on the merits and leaves nothing for the court to do but execute judgment). Thus, they are not appealable until the culmination of the litigation.

capacity, and the Court is unaware of any case law supporting plaintiff's position. Therefore, plaintiff's request for reconsideration will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for entry of default [Doc. #14] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for reconsideration of the Order of Partial Dismissal [Doc. #13] is **DENIED**.

Dated this 5th day of February, 2018.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE